

R315. Environmental Quality, Solid and Hazardous Waste.

R315-317. Other Processes, Variances, Violations, and Petition for Rule Change.

R315-317-1. Other Processes, Methods, and Equipment.

Processes, methods, and equipment other than those specifically addressed in Rules R315-301 through 320 will be considered on an individual basis by the Executive Secretary upon submission of evidence of adequacy to meet the minimum standards of performance to protect human health and the environment as required in Section R315-303-2.

R315-317-2. Variances.

(1) Variances will be granted in accordance with Section R315-2-13.

R315-317-3. Violations, Orders, and Hearings.

(1) Whenever the Executive Secretary or his duly appointed representative determines that any person is in violation of any applicable approved solid waste operation plan or permit or the requirements of Rules R315-301 through 320, the Executive Secretary may cause written notice of violation to be served upon the alleged violators. The notice shall specify the provisions of the plan, permit, or rules alleged to have been violated and the facts alleged to constitute the violation. The Executive Secretary may issue an order that necessary corrective action be taken within a reasonable time or may request the attorney general or the county attorney in the county in which the violation takes place to bring a civil action for injunctive relief and enforcement of the permit requirements or the requirements of Rules R315-301 through 320.

(2) Any order issued pursuant to Subsection R315-317-3(1) shall become final unless, within 30 days after the order is served, the person specified therein files a written request, containing the information specified in Subsection 63-46b-3(3), for agency action before the Board as provided in Section R315-12-3. Title 63, Chapter 46b and Rule R315-12 shall govern the conduct of hearings before the Board.

R315-317-4. Petition for Rule Change.

(1) The requirements of Section R315-317-4 shall apply to a petition for:

- (a) making a new rule;
- (b) amending, repealing, or repealing and reenacting and existing rule;
- (c) amending a proposed rule;
- (d) allowing a proposed rule or change in proposed rule to lapse; or
- (e) any combination of the above.

(2) Petition Procedure and Form.

(a) The petition shall be addressed and delivered to the Executive Secretary.

(b) The petition shall follow the requirements of Sections R15-2-3 through 5.

KEY: solid waste management, waste disposal

Date of Enactment or Last Substantive Amendment: February 1, 2007

Notice of Continuation: March 14, 2003

Authorizing, and Implemented or Interpreted Law: 19-6-105; 19-6-108; 19-6-109; 19-6-111; 19-6-112